



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

000058213

Issuance Date:

May 21, 2008

Stream:

Scioto River – MP 14.0

Closing Date:

June 20, 2008

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (reference above)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act.

APPLICANT:

Lucasville Sand and Gravel Company
10198 State Route 104
Lucasville, Ohio 45648

LOCATION: The proposed project is located at the head of an unnamed island at Mile Point 14.0 of the Scioto River near Lucasville, Scioto County, Ohio.

DESCRIPTION OF PROPOSED WORK: Through Individual Permit 00058213, the applicant was authorized to excavate sand and gravel from this location for commercial use. This previous authorization was limited to maximum of 540 tons of sand and gravel per day and was limited to low water periods for a maximum of 90 days per year. Individual Permit 00058213 expired on December 31, 2000.

The applicant has submitted an application requesting authorization for impacts to the Scioto River associated with continued sand and gravel excavation at this location. The applicant proposes to excavate 600 to 800 tons of sand and gravel per day using a self-loading scraper. Access to the work site would be from the existing low-water crossing located along the backwater channel of the island. The applicant has indicated all work would be performed during low water levels and dredging would be performed no more than 120 days per year. The applicant proposes to establish and maintain a 20-ft to 25-ft buffer between the excavation area and the low water line as shown on the attached plans. Plans of the proposal are attached to this notice.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the proposal. Upon review of this information, this office has determined the proposed project will have no effect on historic properties. A copy of this public notice will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of the project area should be based on collected data.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of the Indiana bat (E); running buffalo clover (E); clubshell mussel (E); northern riffleshell mussel (E); pink mucket pearly mussel (E); Virginia spirea (T); small whorled pogonia (T); rayed bean mussel (C); sheepnose mussel (C); snuffbox mussel (SC) and timber rattlesnake (PC).

Based on the location and nature of the proposal, this office has determined the proposed project will have no effect on the Indiana bat or the timber rattlesnake. Given the location of the site, existing site conditions, and the historic impacts from sand and gravel mining in this area, this office has determined the proposed project will have no effect on running buffalo clover, small whorled pogonia, or Virginia spirea.

The proposed project is located within the Scioto River, which has known populations of the clubshell mussel, northern riffleshell mussel and the rayed bean mussel. This office has determined the proposed project may affect these listed mussel species. The Corps will be coordinating with the applicant, the USFWS, and other State resource agencies to determine if the proposed project will adversely affect these mussel species.

This public notice serves as a request to the USFWS for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST: Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 000058213
502 8th Street
Huntington, West Virginia 25701-2070

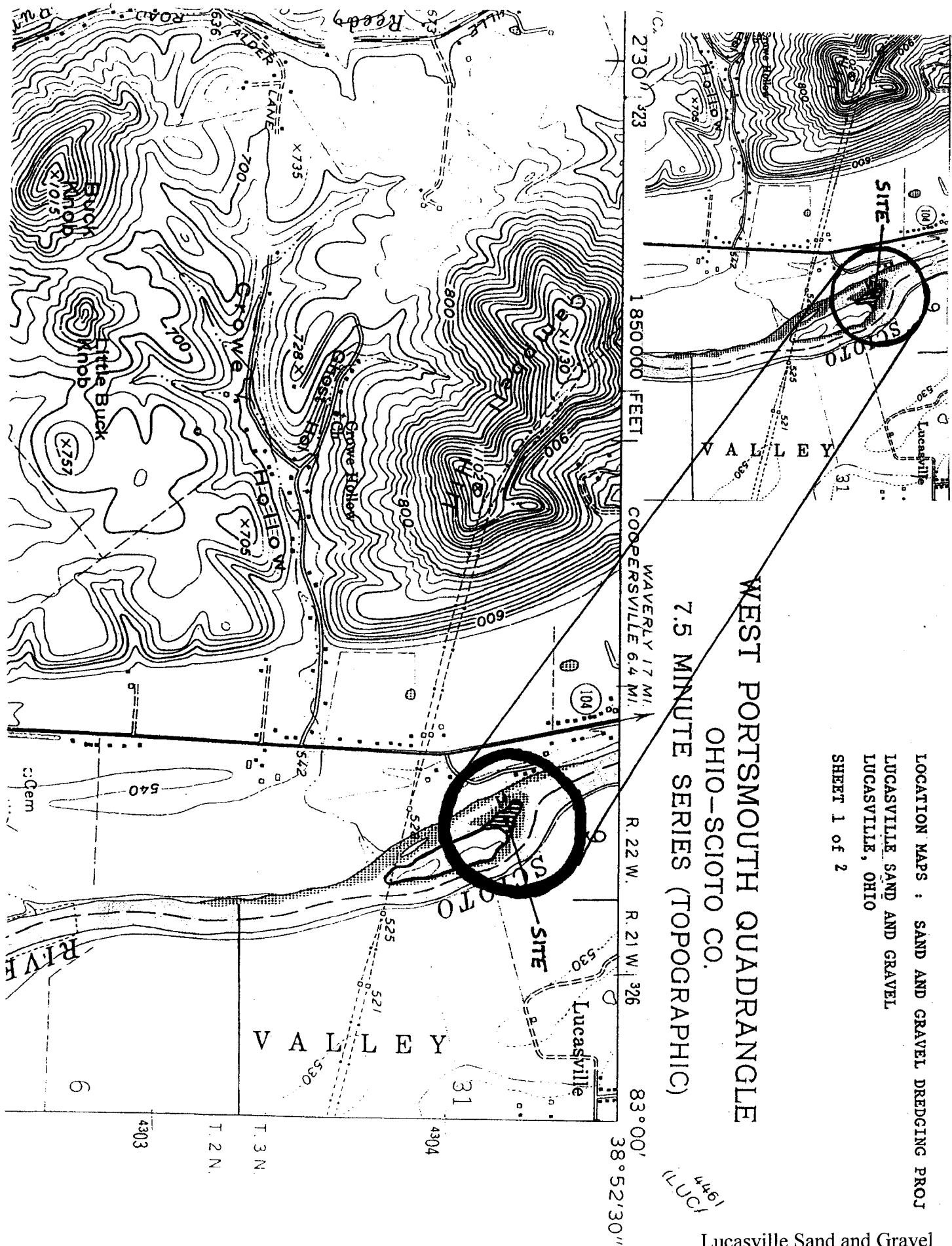
Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under

provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at (304) 399-5210.

A handwritten signature in black ink, appearing to read "Ginger Mullins". The script is cursive and fluid.

Ginger Mullins
Chief, Regulatory Branch

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WEST PORTSMOUTH QUADRANGLE
OHIO-SCIOTO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

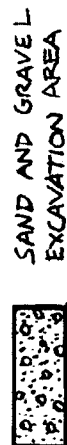
LOCATION MAPS : SAND AND GRAVEL DREDGING PROJ
LUCASVILLE SAND AND GRAVEL
LUCASVILLE, OHIO
SHEET 1 of 2

Lucasville Sand and Gravel
000058213 - Scioto River MP 14.0
Scioto County, Ohio
Location Map, Sheet 1 of 2

PLAN VIEW MAP
SAND AND GRAVEL DREDGING PROJECT
LUCASVILLE SAND AND GRAVEL
LUCASVILLE, OHIO

SHEET 2 of 2

KEY



SAND AND GRAVEL
EXCAVATION AREA

20-25' BUFFER
STRIP



NOT TO SCALE

